

United states District Court
For the district of New Hampshire

Anthony Carpenito
v.
William Wrenn, Commissioner

U.S. DISTRICT COURT
DISTRICT OF N.H.

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Petition for writ of Habeas Corpus and Emergency Injunction relief

now comes Anthony carpenito, pro se, and respectfully request that this honorable Court grant this Writ of Habeas Corpus and Emergency Injunction relief. In support of this formal request and states:

1. this defendant was given a term of 1-10 yrs at the NHSP, Doc # 91-s-216
Date of sentence was on May 18, 1993 with 280 days pretrial credit.
See attached copy of mittimus as appendix (A).

2. on 8/16/1993 was paroled Approx six yrs later on Dec 15, 1999 returned to NHSP violation. See attached copy of D.o.c sentence summary reports.

3. On 8/27/2001 was released to (AHC) administration home confinement.
(bracelet)

4. three weeks later on 9/26/01 I fled due to fear caused by D.o.c personal threats and retaliation and was charged with Escape.

5. on 3/12/07 was given a term of 2-5 yrs with 312 days pretrial credit time, and to run consecutive with 91-s-216.
See attached copy of mittimus as appendix (B) and reference to line(8) of Mittimus Doc # 02-s-005

I want to point out my 8th and 14th amendment rights have been violated.
14th amendment

I have a liberty interest to be released after completion of my sentence. I am past the maximum of my first sentence. the prison is telling me that I have yet to parole from my first sentence to my second sentence I should be three to four months from my min parole date on my second sentence. Please refer to the sentence summary report I've included as appendix (A)
I have brought this to the attention of unit manager Robert thyng, as well as to , Counselor Perreault, and warden Blaisdell and was told I would have to fight for it...

My 8th Amendment rights have been seriously violated as well.

Here are the facts as I remember them from 12/15/99, until the day of my release to home confinement 8/26/01.

During the course of working in the NHSP kitchen, I was approached by an inmate and corrections officer to partake in smuggling illegal contraband into the prison. Not long after I refused to get involved I was not only fired from the kitchen but was assaulted a few weeks later. At that point, I made the decision to contact investigations and was asked to work with them.

not fully realizing what I got myself into, the constant pressure to provide ongoing information on officers and misguided protection eventually lead to me being assaulted by inmates and corrections officer.

On 11/8/00 I was abruptly hand cuffed and sent to SHU for no valid reason for eight weeks the first time. At times I was slammed face first into the wall, on the concrete floor, kicked, taken to shower in handcuffs left standing for two to three hrs, was handcuffed in cell while an officer took all clothes, bedding soaked in toilet bowl and tossed onto tier locked in cell with cuffs on for hrs.

On 1/3/01, releast from SHU to (H)building population. While walking towards (H)unit I insisted to be taken to infirmary for bruised arms and lump on back of my head. while waiting to go into infirmary I was approached outside of (H)building by an officer from SHU was handcuffed and taken back to SHU approx 9:57 15 min later. See exhibit(C)and(D) unit investigation but no (D)report(cover up)..

As I recal sending numerous request to see unit manager Moyer with no response. Approx three to four weeks later I remember speaking to counselor Sue Taylor about the ongoing abuse by officers Dunn, Westgate, Duglay, Morrison and Betteze. Nothing was done about the situation until one evening Daral English on (B)tier next cell over tried to commit suicide by hanging. Mr Blackden from investigations and state trooper came to interview myself and others on (B) tier that's when I told Mr Blackden of the ongoing events. I remember being released from SHU next morning, not long thereafter I was tranfered to (NCF)Berlin.

During the time at NCF Berlin I was again assaulted by inmates and had to live in constant fear.

It should be well noted. In July of 2001 I was assaulted by officer Hillsgrove, officer Labonty was witness to this. I was instructed to file a formal statement by Warden Cunningham. I recall not filing at first because I no longer felt protected by the administration in addition to feeling betrayed. I was assured I'd be OK: I gave my statement to LT Greenwood. While awaiting approval to being released to home confinement (Bracelet) Officer Hillsgrove came into the Min security unit took me to the adjacent reception area holding tank, locked me in, went back to unit with two other officers, escorted approx 20 other inmates to the gym.

Approx two hrs later Hillsgrove pushed me against the wall, threatened me about writing statements on him and other officers. I recall him telling me something to the effect I did not know who I was dealing with. His famous words.

My cell was turned over, all of the accumulated notes I kept on dated incidents and abuse by staff in SHU, and assaults were all confiscated. I recall going to LT Greenwood explaining what happened, the notes taken and I recall telling him I was horrified of Hills Grove. It was a well known fact of his bad reputation and the fact, he was a former police officer in NH, with many connections and resources.

On 8/6/01, the next morning I was immediately transferred to (LRF) Lakes Region Facility. See Exhibit(E)

On 8/27/01, I was taken to Concord for final release process. While waiting to leave the R/D unit, officer Turcotte approached me, told me get into the cell and locked me in. He took my personal file on the desk read out loud the address, phone number, family members name and stated to the effect, someone called him gave him a heads up I was being released and knew investigations payed me a visit in Berlin. He stood by me gave me a vicious stare and said something to the effect that I ratted on officers. He through my file down and told me to have a nice life.

All I remember is leaving with such despair. I was so overwhelmed and traumatized by the whole experience. I remember hating myself for ever agreeing to put myself in that situation.

I was picked up by a family member. I asked to find a pay phone. I called investigations spoke to Weefers, don't recall all of conversation I told him what happened in R/D and I felt something was going to happen to me because the officers have all my personal information. I recall him telling me he would look into the matter.

Approx a week I received a threatening phone call at my sisters house It was definitely D.O.C officer. someone asked if I was living there and was it me on the phone? I recall this person saying that I had better not ever come back to prison and get out of NH.

I called investigations and again spoke to Weefer. I remember expressing my concerns and asked him if he was working on getting the remainder of my time cut as he promised? He stated "He wasn't sure just yet" something to that effect. I remember trying to call him back several times leaving messages he never called me back.

I again called investigations spoke to Mr Blackden, I recall telling him about Hills Grove and the chain of events since then, My conversation with Weefers and not trusting him. As I recall, Mr Blackden had no clue what was going on and assured me he will get to the bottom of things, and not to talk to anyone but him. He also told me to contact Attorney Lane Lore from Dover and fill her in on everything.

After receiving several more disturbing phone calls in Sept of 2001, It was quiet clear this ordeal wasn't just causing me alot of distress This was all my fault for bringing so much tension, frustration and discomfort to my sisters family. which they didn't deserve. they were very distressed already for the loss of their little girl and I was compounding the issue which in turn, was causing my brother in law to have animosity which resulted in him not wanting me there any longer

On Sept 26,2001 I called Mr Blackden discussed the issue about my brother in law not wanting me around and their was an indication I was going back to prison. I distinctly remember telling Mr Blackden that I can't handle anymore. I became so emotionally and psychologically unbalanced as a result of this ordeal and have brought all this to my family. I told him I don't feel safe anymore. Wished him success.

PLease see Exhibit(B) sentencing mittimus 02-S-005 (Escape charge)

On March 12,2007 Mr Blackden the former prison ivestigator who is now a private detective, appeared in court on my behalf at the sentencing hearing. On the stand he gave detailed information as to the substantial assistance I provided to investigations back in 200/2001 as to illegal activities of inmates and corrections officers.

Detective Blackden emphasized to the court I not only put myself at great risk but was assaulted by staff and inmates. He also stressed the serious nature of this issue.It would be extremely dangerous to send me back into the prison system that it was inevitable I would suffer alarming reprisals by D.O.C staff.as well as inmates.

It was clear the court had not dealt with this type issues and stated twice What should I do?" My Attorney mentioned Federal Protection, and the prosecutor insisted that the prison handle this matter. All I remember is the court sying to the effect,"This scares me, this really scares me." By this time Mr Blackden had left due to prior engagements. I cannot say for certain, however, he has first hand experience as to the lack of confidence and unreliability that the administration places on a person's safety, Perhaps more input was needed.

On March 13,2007 I arrived at the Concord prison and was immediately recognized by officer Westgate one of the five officers mentioned on page (2) of this motion who assaulted me in SHU.

During the fist couple of weeks in the R/D unit,Westgate would take me from my cell bring me down stairs lock me into what is called the wet tank for no reason other than to be verbally bashed & tormented while his fellow officers stood near,he told them I was the guy who ratted on his buddies back in 2001. I recall Westgate saying to the effect, "What do we do with this rat?" He came into the cell at one time handcuffed me pushed against the wall and stated "You think you got jammed up in SHU last time?" you're gonna wish you were dead this time." Someone made the comment, "you made some real enemies guy's like you don't last very long."

Whenever he escorted me back to my cell he would yell out to the inmates standing in the yard of the R/D unit "Look out I have P/C rat stand back." This went on for weeks on end. Everyone knew who I was because of this man and now my life was in danger.

I was so scared for my safety I not only wrote my Attorney but also investigations not realizing my request were being intercepted by second shift who handle the box of request. In the latter part of March, my Attorney then visited me in the R/D unit. As I was speaking to him officer Westgate went to my cell took all my legal and personal documents to his desk and hid them from view until my Attorney left Westgate grabbed my arms placed them behind my back cuffed me slammed

me to the wall and stated to the effect. "You've been busy writing statements on officers I see." He placed my legal doc's on the desk and began reading through it again. I told him politely I don't believe have the right to read my legal documents." He got up, shoved my face into the wall and said to the effect, "I can do whatever I want you fucken rat." and threatened to drop me if I open my mouth again. Better yet "you're going in the tank" he said.

A few min later as I was cuffed in the cell he began asking me questions about my legal documents, I would not answer him. I stated "you aren't supposed to read my personal legal documents." He opened the cell door, grabbed my arms, swung me around onto the ground, slammed my knee. He kept smashing his shin into the back of my knee and yelling in my ear about being a rat etc, and asked me, "Why I had documents with someone else's name in my stuff?" I would not answer him. He told me not to move, went back and another officer handed him a motion that had to do with sealing my name and why.

I recall him holding up the document and saying something to the effect "You see you are no good." He grabbed me pulled me up and said to the effect "You're not going to have another chance to open your mouth about anyone you're going to SHU." As he was bringing me across the yard, someone yelled out, "you better not bring him to SHU take him to the north yard, tank."

A few hrs later I was taken back to R/D unit and was told all my stuff was sent to investigations. I received my papers back two months later with numerous documents gone.

I received two letters from my Attorney. See Exhibit(F) According to one letter, Detective Blackden called the Commissioner the day after my sentencing. The letter dated March 28, 2007 letter to the warden by my Attorney. It is very clear both Detective Blackden and my Attorney informed both individuals of the serious dangers I was in and; During the same time I was being maliciously treated in the R/D unit.

not only were there no steps taken to get me out of that prison, I wrote six request in 4 weeks to investigations regarding officer Westgate, and pleaded to get me out of there. I received no response. My request were being intercepted by second shift officers giving Westgate a heads up.

I desperately tried to get word to Mental health. Finally, I got an answer. See Exhibit(G) Request to Mental Health.

I managed to get a letter out to Detective Blackden and again to my Attorney explaining what was happening to me in R/D. Mr Blackden made contact with investigations. Someone came to see me finally and the meeting was left that I needed to write a statement give it Kathleen Anderson the unit manager of R/D, she would give it to the warden. I knew from experience that is not the way things are done. It was very clear this man had no intentions of helping me and I knew why. it was Weefers.

Fact is I was kept in R/D unit at the prison locked in 23hrs per day for six long months dealing with unimaginable abuse. I wrote classifications numerous times pleading to them to come and speak with me and to get me out of there.

After months of ongoing request I received a response only to be given different answers as to where I was going. See Exhibit(H) request to classifications.

When I realized I was being sent to Berlin I tried to get word to unit manager Anderson that I needed to speak to her about this whole situation. Noone ever came to speak with me about anything. It was now obvious there was a communication problem somewhere I desperately tried to get word to Ms Anderson that sending back to Berlin population would be putting me in serious danger. I also have serious concerns about officer Hillsgrove. See Exhibit(I) request to Ms Anderson.

I arrived at NCF Berlin 8/27/07. In the latter part of August officer Hillsgrove approached me at my cell while several inmates stood by. He made the comment that he heard I was coming back and said something to the effect "Investigations didn't do anything for me, and something to the effect that "the word is already out about you up here word travels fast you better watch your self."

Not long after I spoke to unit manager Thyng that several inmates have made the comment that they heard by officers I was an informant. In addition, I shared my concerns about the danger I was in, I don't know why I was sent up here and not out of state and I told him I wanted protection. He needed names or he can't help me. He specifically told me if I P/C I will be sent to SHU in Concord. I told him what I just went through for six months in R/D that not only was I supposed to be immediately sent out of state I was sent here to Berlin now you want to send me back to SHU where there is no telling what will happen to me. that was my only option.

I recall speaking to the warden on (C-unit) I stressed the issue about my safety, I went over the issues about not being transferred out of state and why, I expressed the issues about Hillsgrove, the assault and why hasn't any steps been taken about my name. He would look into it.

It was the second week in Sept I was assaulted by an inmate and again I went to unit manager Thyng. I showed the marks on my face and neck and told him his officers are spreading rumors I'm an informant to deliberately cause me to get hurt. I reminded him when I told him last discussion "It was only a matter of time before I get hurt. He told me he'll look into moving me to another unit. I'll be in the same building that's not going to solve this problem. His response, it's the best he could do.

After several request to Mr Thyng and the latter part of OCT, he called me to his office told me I'll be moving to (E-unit) and the message from the warden about using your legal name is a dead issue because of the paper work involved and, not to bother him about it anymore.

After a short time living on (E-unit) which at the time most inmates were either doing life or very long sentences. I was told to either pay to live on the unit with protection or suffer the consequences. I decided I had better pay.

I was offered to work and took the position. During the months of DEC/JAN I was constantly being humiliated and harassed by officer Hillsgrove with his derogatory statements in front of other officers and I was told not to get too comfortable..

On Jan 24,01 SGT Elmer Sevier who was on administrative leave for purportedly assaulting a legally blind inmate in the hallway approached me and said to the effect, He did not want me working around his staff that if it were up to him he would have had me hemmed up by now.

On Jan 24,01 I was called to the office. Sevier told me I was done working he and his staff did not want me around them and was told I was not going to get paid for the two months I had worked that I was beat. "to get out of his face. He also stated I had better leave the situation alone or I'd find myself jammed up in SHU in Concord.

LT Loven pulled me aside that same morning asked why I wasn't working? I told him Sevier did not want me around him or his staff, I also stated I can't afford to make any problems for myself to leave it alone.

I was latter called to LT Loven's office He told me I had the job back and indicated in so many words certain staff are going to look for any reason to get rid of you, Just continue doing a great job and hopefully you won't have anymore problems.

Approx 2:50 pm just after LT Loven left for the day, three officers came to my cell cuffed me, man handled me to the tank and was informed I was (Par) pending administration investigation and was being sent to SHU down in Concord.

The next morning while waiting to be transferred to Concord, I was taken to investigations where I met LT Loven. I was asked what took place after he left the day prior? I gave him my statement and I was told I won't be going back to Concord and, I probably won't hear anything more on this issue. He obviously knew what was going on behind closed doors and wasn't having any of it. He indicated because of what's going on, It would be best to perhaps work on the unit.

See Exhibit(J) fabricated charge by SGT Sevier.

On April 17,2008 I was denied parole to consecutive sentence (Escape from home confinement) the parole board indicated they received information from someone I did not complete an anger management class **back in 2001**. I stressed I would not have been released on the bracelet in 2001 if that were the case. I was told to max out. I stressed my position again and also stated something is very wrong here I have not done anything wrong yet, I'm being denied parole when almost always a person is granted parole to a next sentence.

The board then stated if they receive information that indicates I completed the program they would parole me.

I spoke to LT Loven, He instructed I obtain my offender records file get a copy of the programs I completed.

On 4/23/08, request to counselor Dolan asking for copy of the report she sent to the parole board. It will state the recommendation from Mr Thyng.

on 4/29/08, counselor Dolan did not answer request. (suspicion) Mr Thyng answered by stating, Inmates are not provided this information. Fact is, Before an inmates synopsis is given to the parole board, The counselor goes over the report with the inmate. I was denied to see and obtain a copy of the synopsis on me.

on 5/11/08, My second request to obtain offender records file to counse Dolan. See request slips in order by dates. As EXHibit(K)

on 5/13/08, Approx 9:30 Am, I was called to Mr Thyng's office to go through my offender records file. I found the papers that indicated the program I completed. I showed Mr Thyng and asked him how on earth would anyone give tha parole board misleading information when all these documents and papers are all in order in this file?"

He would not answer me but told me my time was up he had a meeting to go to. I asked him, "how much time are we allowed to go through and flag the files we want?" He stated to the effect, "I don't have time for this send me a request and I'll let you finish looking through it tomorrow." I realized something wasn't right. He wanted a request.

On 5/13/08, approx 8:30 Pm I received the back from counselor Dolan the request I sent on 5/11/08. asking to obtain offender records. Her statement, Now that you have reviewed your offender record, you can write a request (attaching) cash withdrawal slip To obtain copies of the pages you flagged.

On 5/14/08, the day after I reveiwed my file I sent the request as couselector Dolan instucted me to do on 5/13/08. to offender records. I specifically requested copies for which I flagged including any and all programs I completed. especially the notice of my completing the anger management program.

Please notice. I received back from offednder records approx three weeks later answering my request. I don't see any flagged paper work.

I realized someone purposely sabotaged my file. counselor Dolan instructed me to obtain the pages I flagged.

On 5/13/08, I handed this request personally to Mr Thyng as he told me to do

on 5/16/08 It was very clear Mr Thyng had no intentions of allowing me to finish going through my file. He purposely forced me to wait another six months to obtain my offender records which is now included in this motion. See EXHibit(L) request to unit manager Thyng.

on 10/9/08, six months later, I requested to obtain my offender records file again and I had no problems with obtaining my files this time. Ms Parault who is my new counselor was very helpful.
(I was not in MR Thyng's office while I flagged these files.)

on 11/26/08, I received my copies from offednder records.
See EXHibit(M) request to Ms Parault.

On 11/26/08, See Exhibit(N) Letter to parole board and copies of the written statements indicating completion of program's. I still have not received any response and am waiting for second request to be answered I sent out 12/7/08.

on 4/21/08 I sent a request to Major Cox in a sealed envelope marking it confidential. If you look closely you can see in the middle of the request where I wrote confidential Major cox. It copied through the envelope.)

on 4/23/08, Ms Dolan intercepted this confidential request to Major Cox. Mr Thyng, called me to his office and acting very suspicious and reminded me of our conversation about going over staffs head with any complaints. Prior to this, I tried to write the Commissioner in a sealed envelope. I expressed my safety concerns and sent a copy of the letter that indicated Mr Blackden calling him the day after I was sentenced to let him know that no measures have been taken to move me out of state to protect me and what was happing to me here in Berlin.

That Letter "never" made it to the commissioner. I was told by Mr Thyng if I have a problem with any staff or concerns to go through the proper channels first. I've done it from the start but the doors keep closing.

Back in Mr Thyng's office he wanted to know what and why I wanted to see the Major about? I recall telling him. "I need to discuss some private issues." I basically left it at that.

on 4/30/08, I walked into the Major's office and there was Mr thyng At that point I felt way too scared and intimidated to express what I wanted to with MR Cox. I was asked how I was doing and I responded with something to the effect "I think both of you are well aware of what's going on." I recall mentioning about officer Hillsgrove and others making it well know that I was an informant, and the effects it has placed on me. I recall being put down by both Mr Thyng and Major Cox that I did this to myself something to that effect. I remember not wanting to discuss anything and excused myself. I realized MrCox wasn't interested. See exhibit(P) actual request to Major Cox.

I want to point out When a situation arised I would write a request to Mr thyng asking to speak to him concerning the issue. Even if the issue needed his immediate attention for example, when I was assaultd, he will not answer my request. It could be two perhaps three weeks of asking an officer if I can speak to him, most times, he's always too busy. When and if I run into him, I'll ask him and he'll tell me to meet him in his office at some time off the top of head.

It never fails to be no more than 3 to 5 mins, when he tells me I have to leave. He has a very important meeting to go to. And "Nothing" ever get's resolved. I leave feeling distressed and know full well, if I try and go over this man's head there is no doubt in my mind he will have me jammed up so badly I can't imagine.

I am left no choice but to risk reaching out to this Honorable court not really understanding the Law to help me before something really bad happens to me.

on july 1st,2008 I requested to see Mr Thyng because I was assaulted.

on July 4th,2008 I stopped in the hallway and asked why he didn't answer my request? All he said was"he's working late tonight to meet him in the yard during the soft ball game and he'll talk"then.

We met, I told him about the assault and he said to me to the effect, "Do you realize you brought all this on yourself, this is what happens and sometimes you're just going to have to fight." I cannot express to this court what I felt like as I walked away from him.

Approx 3 weeks later officer Donally was making his rounds on (C-unit) as he past my cell, he noticed an inmate leaving with a bag of food items. He looked at me, noticed I was very distraught. He asked me if I got assaulted or something. I recall telling him "I was tired of having to pay for protection when a few weeks ago i was assaulted and that I was tired of having to live like this."

Officer Donally was looking into having me move to another unit up stairs.I was called to Mr Thyng's office day's after,I recall telling Thyng I did not want to waste his time because I felt he wasn't looking out for my best interest. All I recall saying about the issue when asked was"I'm tired of having to pay for protection." His remark to me was "OW, You found someone to help you." As I was leaving, he said he will move me soon.

Within a week or so Donally told me of the opening on (G-unit) I was packed & off that unit in seconds.

Sometime in the latter part of July, I wanted to make copies of a motion for the sentencing transcripts of the escape charge dated March 12,2007 Ms Poulin the librarian, refused to allow me to make any copies. She stated the name on this motion is not you." I tried to be discreet about the issue and insisted it was me. She called me a liar and told me I was getting a right up for lying to her and she flat out denied me copies. She went and got officer Mailhot and he told me to get out.

Even after showing her papers that had my legal name on it she said she did not care. I asked how can² send anything to the courts if you don't let me make copies? She told me to send them home and let my family make copies for me." I recall waiting to see Mr Thyng on this issue for approx two weeks.

while in his office he wanted to know what I was doing in the law library? I said to the effect how to write to get my transcripts." I told him what happened and he said he did not want to step on Ms poulin's toes that what ever you're working on youneed to make some other kind of arrangements to make copies. He wanted to see the motion and began reading it. I made mention that he was very well aware of my legal name because I showed him the sentencing mittimus onece before. He told me he'll make copies this one time that was it.

I began writing many Attorney's no luck for help. Sinse the above incident in the library with Ms Poulin, Officer sevier has stopped me and read my legal notes to see what i was doing in the Law library, a number of times.

On Oct 9th, 2008 Officer Sevier stopped me as I was going into the library to make copies of legal materials in addition to a written log that reflected all dates, times of the ongoing malicious harassments by officers, my discussions with Mr thyng, Warden Blaidedel MR Cox, LT Emerson and when I was assaulted.

Sevier grabbed my folder from my hand and said "what do you have here? As he began reading the statements I had listed by dates officer Mailho was standing next to Sevier checking off other inmates going into library. I stated to Sevier "Sir, you are reading my legal documents you know you aren't supposed to, it's the law." Mailhot told me to shut my mouth or your getting lugged to the tank"

Sevier stated you have unauthorized material and legal documents with someone else's name on it I'm going to have to take all this as evidence and take it to investigations. He showed Mailhot the escape mittimus and I again told both of them you have no authority to read my legal documents and deliberately harassing me" Mailhot stated "go ahead and open your mouth again I'm cuffing you and taking you to the tank."

Sevier took my file walked into the library office closed the door placed my file on the desk as Ms Poulin sat their watching him read through all my materials. He came back out stated "you have unauthorized material go back to your unit your not making any copies of anything I told sevier I want my file back" Sevier stated you'll get it back I stated, "I'm not leaving until you give me my file back." Mailhot stated let's go wait outside in the hall" I again stood my position Sevier went back closed the door again came out, handed me the file and stated to Mailhot, "He even had my name in that stuff"

As I was going up stairs I noticed the dated statements were gone I then asked an officer to please allow me to see Mr thyng it's important," He went into his office came out stated he does not want to talk to you put a request in" I left.

I went up stairs told SGT Moran what happened she called librarian Poulin, hung the phone and stated "sorry you're beat" go back to your unit." I realized it was useless. I left the issue alone for now.

I spoke to LT Emerson a day or so later of the entire incident and I told him of all the times Sevier would stop me for no reason pat me down, look through my legal materials his constant unethical harassments. He stated He'd look into it"

I was called to Mr THyng's office a few days later I was very brief about the issue Mr Thyng stated "Sevier said he was just scanning the material" I spoke up for the first time to this man and stated "you're just going to cover this up "knowing the truth" and it doesn't matter how many times I'm harassed for no reason by certain staff or if assaulted. You're not going to help me. You have shown me how you deal with someone who informed on your fellow staff members that you worked with.

On 12/16/08, while in the Law library I asked Ms Poulin why for the past several weeks am I not being allowed to use the computer I've been working on and have saved legal information I've been writing down? She knew what I was researching, each time we log on, everyone has to type there inmate number before we can pull up anything on the computer. We did not have to do this before.

She told me you can longer retrieve any of that information because I had it wiped out completely" I indicated that everything I've compile that I can longer pull up is gone. I indicated to her that she was deliberately making it so difficult for me to get my legal affairs in order. In addition, I indicated I have some documents and a motion I needed copied for the courts. She got very loud and stated "I told you before If you have any other name on any of your documents other than the name that is in the computer system" I'm not going to copy it to mail it out and have someone else do it period."

I politely stated "I believe you are in violation of my rights to have access to the courts. I sat down didn't say another word. she left the room yelling something about my rights and the next thing I know two mins later, officer Mailhot comes in the law room and told me to get out of the law library and go back to my unit or "you're getting cuffed up and taken to the tank" I said nothing and I left to the unit.

As I was leaving I asked to see Mr Thyng about this ongoing issue the officer called him from the control booth. He then stated Mr Thyng already knows what's going on to put a request in. I went to my unit put the request in.

On 12/17/08 I had to answer to a (D)report from Ms Poulin. On this report she did not indicate what disturbance I caused. Except she had Mailhot remove me from the law library. Fact is I've never caused any disturbance.

I refused to plead guilty for finally standing up for my rights. As the (D)report clearly indicates, officer Sevier & Ms Poulin did in fact read my legal material & motion to the court and, then I lost all my notes.

At the hearing I was truthful and forthright about the ongoing issue and I was found not guilty... See Exhibit(Q) request to Mr Thyng and (D)report.

On 12/23/08 As I was coming from the (D)report hearings I stopped warden Blaisdel in the hallway. I began by lightly touching on the issue about the use of my legal name and again I reminded him why it was so important. I asked why were no steps taken to protect me when I kept asking Mr Thyng to transfer me out of state because I've been repeatedly assaulted 3 times and as a result of this last time not long ago I was punched so hard in the left temple area I am still dealing with a very sharp pain in this area.

He stated he had LT Jebson look into the name issue sometime ago but does not remember what he came up with. He stated "I can have the administration change it for you but that won't do you no good now" I said "No that should of been done the day I entered the prison system I also stated "I should of been sent right out of state right from the beginning."

I also indicated that I have been living in fear every single day. I stay in my cell all day, Every time I have to leave my unit I'm taken a chance of getting seriously hurt because their are inmates who want to hurt me. I can't go to the gym, I can't work anywhere.

I stressed that I simply cannot live under these conditions any longer It has adversely effected me in ways I can't describe. Something has to be done or someone is seriously going to hurt me. I showed the warden the letter from my former Attorney dated April 12, 2008. I again reminded him after he read the letter that my life and my safety should not have been taken lightly I beleive I have payed and suffered enough. See exhibit(R)letter from former Attorney

On 12/24/08, Mr Thyng called me to his office and stated "The warden spoke to me per your conversation with him yesterday. I interjected and stated "their is something seriously wrong with this whole picture. I said to the effect I'm not living like this any longer and I'm going to do something about it now and left his office.

On mon, Jan 12,2009. Officer gosslin and officer Lemieaux came to my cell approx 8:15 Am and wanted to do a cell search. Just as I left my cell Gosslin told me to go sit at the table away from my cell while he closed my cell door. to obstruct my veiw. This is not common practice with any other officers cell search.

I stated"I would like to observe." I was told to get away to sitdown at the table or I would be cuffed and taken to the tank. Before I complied I stated"I have a right according to the PPD. and the inmate manual to observe the search" Gosslin stated "I don't care what it reads get away" I looked in my cell window and their was Lemieaux reading my legal documents. I opened the door and stated"you're reading my legal documents and not supossed to,please stop"

I was again told to get away Gosslin closed the door I walked to my cell as soon as I heard the toilet flushing and Lemieaux reading my documents and tossing them I stood my groung and stated"what are you doing?"I noticed a plastic bag with my notes and the statements I had kept as a log which was to be included in this motion being tossed away. At this point these two officers were in the cell approx 25 min,

Gosslin called me closer hand cuffed me called first response.Before I was taken to the tank I stated to Lemieaux and Gosslin"I wanted the bag with all my legal material in it"Gosslin then told his fellow officers "Get him out of here" While being taken to the tank I stated to officer Donnally what Lemieaux had done with my legal documents and that they kept my cell door closed and wouldn't let me see what they were doing.

I assumed someone had told LT Gagnon.He came to see me in the tank and heard what happened. He asked me what I did to get taken to the tank? I stated exactly what took place. He asked me if I got loud or disrespectful in any way? I stated "You know me better than that I don't carry myself that way." I stated"I was taken off the unit so I couldn't get my legal materials out of the trash bag."

I was taken out of the tank and LT Gagnon asked me to follow him to a private place to talk. I realized he beleived what I had stated to him because no (D)report was given and that is a definite when first response has to come and take someone to the tank. I expressed my concerns that this whole ordeal this morning opened my eyes.

Approx 30 min later while in my cell going through my legal materials two officers came to my cell and told me "unit manager Thyng wanted to see me now". I went to his office I don't really remember most of what he said my mind set was too overwhelmed. He basically justified what these two men did and side stepped the issue towards other issues one inparticular, my parole hearing last April, I don't recall how it came up but Mr Thyng finally told me he made the recomendation not to parole me. I excused myself and left his office.

This is my prayer for releif

I respectfully ask the Honorable Court to please transfer me to a facility in Mass or to a Federal facility before this ~~the~~ process is to be served on the defendants of the D.O.C staff Reason,

I am afraid of the reprisals from certain D.O.C staff once this process begins.

I fear for my physical safety in the N.H. prison system in any county facility as well. reason being, While waiting to be sentenced on the escape charge at the Strafford county jail I was recognized by a former inmate from the prison and was instructed to P/C at that facility by classifications. The Honorable court can call this facility to verify what happened.

I would ask this Honorable Court to have Federal Marshals transport me I don't trust any D.O.C staff transport in fear of letting others know what facility I was placed at. I want to be protected and finish my sentence that's all I'm asking.

I have serious concerns once realized I'm being tranfered, I will be handcuffed taken to the tank while D.O.C staff go through all my legal and personal documents and take them. I would ask this Honorable Court to place a restraining order on D.O.C staff.

I would ask this Honorable Court to Grant this Writ of Habeas Corpus and emergeny Injunction Releaf

Issue any other orders that this Court may deem necessary for justice

Dated Jan 20, 2009

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Respectfully submitted
Anthony Carpenito
Anthony Carpenito #69068
NCF 138 East Milan Rd.
Berlin N.H. 03570

Anthony Carpenito swears under the penalty of perjury that the facts in this motion are truth as I know it to be.

New Hampshire

Inmate locator added to state Corrections Web site

CONCORD — The state Department of Corrections has added a feature to its Web site that allows the public to locate inmates by first and last name.

The inmate locator includes an offender's name, birth year, prison identification number, sentence information and the

facility in which he or she is housed.

"We are in an information age and we are hopeful that the public will find this to be a valuable resource," Corrections Commissioner William L. Wrenn said in announcing the feature.

The locator lets users search

for an inmate by first or last name. It is on the left side of the main DOC page at www.nh.gov.nhdoc.

The roster will be updated regularly on or about the first of

each month.

This database for the locator was developed by the Web Services Division of the New Hampshire Department of Information Technology.

AFFIDAVIT OF RICHARD J. CASTINE

On Monday, January 12, 2009, I was sitting at one of the tables on D block in the Northern Correctional Facility when Officer Gosselin and Officer Lemieux came in and inspected cell #4, where Anthony Carpenito also known as Daniel Benzing is living. During this inspection, I saw Anthony going to the door of his room and accuse one of the officers of reading his legal papers and legal mail. After being told to go sit at a table, I got up and walked past room 4 and observed Officer Lemieux reading papers in his hand. These were legal papers that belonged to Mr. Carpenito. Mr. Carpenito was telling both officers that reading his legal mail was illegal and they should not be doing this. Officer Gosselin told Mr. Carpenito to go sit down at one of the tables. He asked if this was a direct order and was told it was, then he complied. When he heard his toilet flush, he got up and checked on the officers and told them to stop reading his legal mail. A quick discussion between the officers and Mr. Carpenito took place and then he was told to turn around so the handcuffs could be placed on him and a response team was called for and Mr. Carpenito was lead off the block. As he was leaving, Mr. Carpenito requested to be able to inspect the contents of the two large trash bags the officers filled while inspecting room 4.

Right after the officers removed Mr. Carpenito from D block, the two officers left, carrying the two large trash bags, both of them nearly full.

I HEREBY SWEAR THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I SWEAR THIS UNDER THE PENALTIES OF PERJURY OF THE LAWS OF THE UNITED STATES OF AMERICA.

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Richard J. Castine
1/15/09